

UNITED STATES DISTRICT COURT

for the

Southern District of New York

RICK HARRISON, et al.*Plaintiff*

v.

THE BANK OF NEW YORK MELLON, et al.*Defendant, Third-party plaintiff*

v.

IRAQI AIRWAYS COMPANY, et al.*Third-party defendant*

Civil Action No. 13 Civ. 3127 (PKC)

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* [See Rider A]

A lawsuit has been filed against defendant Bank of New York Mellon, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff [SEE RIDER B].

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

LEVI LUBARSKY & FEIGENBAUM LLP, Attn: Steven B. Feigenbaum, Esq., 1185 Avenue of the Americas, 17th Floor, New York, NY 10036, United States of America, Tel. No. 1-212-308-6100.

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

[SEE RIDER C]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may – but are not required to – respond to it.

Date: 8/4/2014

CLERK OF COURT

s/ Marcos Quintero

Signature of Clerk or Deputy Clerk

Civil Action No. 13 Civ. 3127 (PKC)

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

RIDER A

LIST OF THIRD-PARTY RESPONDENTS AND ADDRESSES

Iraqi Airways Company

Baghdad International Airport
Baghdad 10023, Iraq

El Nilein Industrial Development Bank Group

United Nations Square
P.O. Box 1722
Khartoum 11111, Republic of Sudan

The Cairo Amman Bank

Arar Street, Wadi Saqra
P.O. Box 950661
Amman 11195, Jordan

Banque du Caire

6 Dr. Mostafa Abu Zahra Street
Nasr City, Cairo 11371, Egypt

Byblos Bank Europe SA, Belgium

Rue Montoyer 10, Bte. 3
1000 Brussels, Belgium

Korea Exchange Bank

181, 2-Ka Ulchiro Chung-ku
P.O. Box 2924
Seoul 100-793, South Korea

Central Bank of Sudan

Gamhoria Street - Almogran
P. O. Box 313
Khartoum 11113, Republic of Sudan

Al Shamal Islamic Bank

Al Shamal Islamic Bank Tower
El Sayed Abdurrahman Street
P.O. Box 10036
Khartoum 11111, Republic of Sudan

Sudanese Libyan Investment & Development Company Ltd.

Al Amarat St. (7) House, Block 10/a

P.O. Box 2996

Khartoum 11111, Republic of Sudan

LIST OF COUNTERCLAIM RESPONDENTS

Rick Harrison, John Buckley, Margaret Lopez, Keith Lorensen, Edward Love, David Morales, Robert McTureous, Gina Morris, Rubin Smith, Martin Songer, Jr., Jeremy Stewart, Kesha Stidham, Aaron Toney, Eric Williams, Carl Wingate, Andrew Lopez, Lisa Lorensen and Shelly Songer

c/o Frankfurt Kurnit Klein & Selz, P.C.

Edward H. Rosenthal, Esq.

Beth I. Goldman, Esq.

488 Madison Ave., 10th Floor

New York, NY 10022

c/o Hall, Lamb and Hall, P.A.

Andrew C. Hall, Esq.

Brandon R. Levitt, Esq.

Grand Bay Plaza, Penthouse One

2665 South Bayshore Drive

Miami, FL 33133

RIDER B

INFORMATION REGARDING THIS PROCEEDING

The defendant (also referred to as “respondent”) who, as third-party petitioner, is making claims against you as a third-party respondent in the attached third-party petition is The Bank of New York Mellon (“BNY Mellon”).

The plaintiffs, also referred to as “petitioners,” who commenced this lawsuit are Rick Harrison and others (the “Petitioners”), all of whom have a judgment against the Republic of Sudan (“Sudan”). Their lawsuit, commenced by filing with the Court a document entitled “Amended Omnibus Petition for Turnover” (which the printed portion of the third-party summons refers to as a “complaint”), asks the Court to enter an order directing BNY Mellon and other bank respondents to turn over to the Petitioners certain funds that the respondents are holding in blocked accounts. The funds in those accounts were derived from wire transfers that were blocked under sanctions imposed by the United States government against Sudan.

Despite what the printed portion of the third-party summons says, BNY Mellon is not making a claim against you for the payment of money. BNY Mellon has named you as a third-party respondent in this lawsuit only to give you the opportunity (i) to make a claim to some or all of the funds being held in any given blocked account if you have a basis for such a claim, or (ii) to oppose the turnover of such funds to the Petitioners, or any other party, if you have a sufficient interest in the funds to permit you to oppose any such turnover. The relief that BNY Mellon is seeking in this lawsuit, described more fully in the attached third-party petition, consists mainly of a discharge releasing it from any present or future liability as to the blocked accounts at issue.

Although the printed portion of the third-party summons correctly states that you are not required to respond to the Petitioners’ complaint, you are required to respond to BNY Mellon’s third-party petition if you want to assert a claim to any one or more of the blocked accounts at issue. You will otherwise waive your right to object to the turnover of the blocked funds to the Petitioners (or anyone else) or to argue that you yourself are entitled to such funds.

If you are a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state, then under Section 1608(d) of the Foreign Sovereign Immunity Act of 1976, 28 U.S.C. § 1608(d) (the “FSIA”), you have 60 days from the time the third-party petition was served on you under Section 1608 of the FSIA to file your answer to the third-party petition. That 60-day period applies even though a shorter period may be referred to in the printed portion of the third-party summons. If you are an individual or a private, non-governmental entity, you have 21 days from the day after you receive this third-party summons, as stated on the printed portion of the summons.

RIDER C

LIST OF PETITIONERS' ATTORNEYS AND ADDRESSES

Frankfurt Kurnit Klein & Selz, P.C.

Edward H. Rosenthal, Esq.
Beth I. Goldman, Esq.
488 Madison Ave., 10th Floor
New York, NY 10022

Attorneys for Rick Harrison, John Buckley, Margaret Lopez, Keith Lorensen, Edward Love, David Morales, Robert McTureous, Gina Morris, Rubin Smith, Martin Songer, Jr., Jeremy Stewart, Kesha Stidham, Aaron Toney, Eric Williams, Carl Wingate, Andrew Lopez, Lisa Lorensen and Shelly Songer

Hall, Lamb and Hall, P.A.

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